

AO-91 (Rev. 8/01) Criminal Complaint

NOV 24 2008

UNITED STATES DISTRICT COURT

Michael N. Milby Clerk

SOUTHERN

DISTRICT OF

TEXAS

UNITED STATES OF AMERICA
V.

CRIMINAL COMPLAINT

Case Number: **11-08-7246-M**

- 1) Andres PEREZ-Moshan, YOB 1976, MEX
- 2) Humberto ALVAREZ-Cheo, YOB 1988, MEX
- 3) Roberto SALINAS-Martinez, YOB 1985, MEX
- 4) Euclides MORENO-Dominguez, YOB 1982, MEX

I, the undersigned complainant state that the following is true and correct to the best of my

Knowledge and belief. On or about November 25, 2008 in Hidalgo County, in
(Date)
the Southern District of Texas Defendant(s) did,

Knowingly in reckless disregard of the fact that Elisama Roena LOPEZ-Lopez, Sandra OZORIO-Zuc, Myra BARREIRA-Perez, Mario Rene OLIVARES-Cifuentes, Juan Carlos GALLARDO-Vasquez, and Cesar Anibal ICHEL-OSORIO, nationals and citizens of Guatemala and fifteen other Guatemalan nationals who had entered the United States in violation of law, concealed, harbor, or shielded from detection or attempt to conceal, harbor, or shield from detection such aliens in any place, including any building or means of transportation.

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(iii).

I further state that I am a(n) Immigration & Customs Enforcement
Special Agent and that this complaint is based on the
Official Title

following facts:

See Attachment "A"

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No*Agueda Sanchez* 11/26/08

Signature of Complainant

Guadalupe Sanchez, U.S. ICE Special Agent

Printed Name of Complainant

Sworn to before me and signed in my presence,

November 26, 2008
DateAt McAllen, Texas
City and StateU.S. Magistrate Judge, Peter Ormsby
Name and Title of Judicial Officer

Signature of Judicial Officer

Attachment "A"

On November 25, 2008, at approximately 3:00 p.m., the U.S. Immigration and Customs Enforcement (ICE), Office of the Assistant Special Agent in Charge, McAllen, Texas (ASAC MC) received information from the U.S. Border Patrol, Weslaco Station regarding an enforcement action resulting in the arrest of 21 smuggled aliens at a stash house located in north Edinburg, Texas. Five alien smugglers, Andres PEREZ-Moshan, Humberto ALVAREZ-Cheo, Euclides MORENO-Dominguez, Roberto SALINAS-Martinez, and M.A.P.M (YOB: 1992), a sixteen year old juvenile, brother of PEREZ-Moshan, were also arrested. In addition, three handguns with corresponding ammunition belonging to the smugglers had also been seized. Immediately after the arrest of the smuggled aliens, Border Patrol Agents began receiving numerous allegations from the aliens that they had been severely mistreated at the hands of the smugglers to include beatings, threat of life, and the sexual assault of three female aliens. As a result, ICE Agents immediately responded to the Weslaco Border Patrol Station to interview the smuggled aliens, victims, and principals.

An interview of the smuggled aliens indicated they had all been crossed by alien smugglers on or about November 24, 2008, near Hidalgo, Texas and were ultimately taken to a stash house at an unknown location at approximately 9:00 p.m. Once there, about an hour later, a different group of men never seen before, later identified as the five aforementioned principals, entered the stash house and kidnapped all the aliens at gunpoint and were forcibly taken to the stash house where they were eventually arrested by Border Patrol. During their brief stay at the last stash house, a trailer house located on Texas Street, east of Tower Road, Edinburg, Texas, all aliens claimed they had been constantly terrorized by their captors. According to the aliens, the principals ordered their victims to call family members in the United States or abroad in an effort to extort money from them with the threat of loss of life if they did not comply or if ransom money was not received. Three smuggled aliens from Guatemala, Mario Rene OLIVARES-Cifuentes, Juan Carlos GALLARDO-Vasquez, and Cesar Anibal ICHEL-OSORIO are being kept as material witnesses against the principals. Interviews of the material witnesses further determined all had been pointed with guns and threatened. Moreover, OLIVARES- Cifuentes had been tied-up overnight and beaten by the principals. ICHEL-OSORIO stated he had been struck in the head with a pistol by PEREZ-MOSHAN, Andres, who has been identified as the leader of the group. The material witnesses further stated they observed the principals take the rape victims one at a time to a separate room where they could hear the suspected victims scream. While the assault was taking place, one of the principals would stand guard at door with a gun. When the women returned they were visibly extremely distraught and crying.

Due to the fact the three females needed immediate medical attention, they were taken to an area hospital for care. As a result, only one female, Elisama Roena LOPEZ-Lopez, was briefly interviewed. During the interview, LOPEZ stated that immediately after having been kidnapped and taken to the stash house, she had been taken to another room by PEREZ-Moshan and was raped at gun point. PEREZ claims to have been raped more than once and by several principals. Although the other two other females, Sandra OZORIO-Zuc, and Myra BARREIRA-Perez, were not extensively interviewed, they also claimed to have been raped multiple times at the stash house. All females were taken to McAllen Medical Hospital for sexual assault analysis and treatment. Hidalgo County Sheriff's Office was notified of sexual assault allegations and are pursuing state sexual assault charges.

At approximately 10:45 p.m., Special Agent Guadalupe Sanchez advised Andres PEREZ-Moshan of his Miranda Rights as witnessed by SA Adrian Olivares. Having understood his rights, PEREZ elected to make statements without an attorney present.

Although PEREZ, identified as the leader of the organization by the smuggled aliens, did not admit to any allegations of kidnapping, rape, or mistreatment of aliens, he did state he was there simply to coordinate the smuggling of the undocumented aliens to northern destinations. PEREZ was aware the aliens were illegally in the United States.

Humberto ALVAREZ-Cheo, one of the principals, was taken to Knapp Medical Center for treatment of a gunshot wound to the leg. According to the material witnesses, ALVAREZ-CHEO, while brandishing a handgun and threatening the aliens, accidentally shot himself on the leg with one of the guns seized at the residence.

M.A.P.M (YOB: 1992), who has been identified as a member of the alien smuggling organization, was also held as a material witness.

Federal Prosecution of all the adults, Andres PEREZ-Moshan, Humberto ALVAREZ-Cheo, Euclides MORENO-Dominguez, and Roberto SALINAS-Martinez for 8 USC 1324 (Alien Smuggling) was accepted by the United States Attorney's Office, McAllen, Texas of the Southern District of Texas.